

REMARKS

Applicants note with appreciation the indication by the Examiner that claims 8, 12, and 13 contain allowable subject matter. Claims 8, 12, and 13 have been amended to place them in independent form, without prejudice to remaining claims 1-7, 9-11 and 14-17.

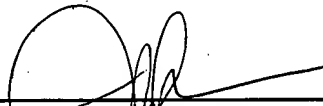
Claims 1-7, 9-11, and 14-17 were rejected under 35 U.S.C. § 102(b) for anticipation by WO 96/001100 to Tamada. Although this rejection is respectfully traversed, claims 1-7, 9-11, and 14-17 claims have been cancelled in an effort to expedite prosecution and to obtain early issuance of claims 8, 12, and 13.

All the pending claims now considered allowable, a Notice to this effect is respectfully solicited.

A Petition for a three-month Extension-of-Time is enclosed. A Credit Card Payment Authorization Form PTO-2038 is enclosed in the amount of \$475.00, the appropriate small entity extension fee. We believe this to be the correct amount; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

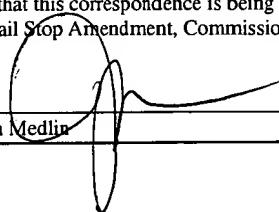


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.



Jennifer Pearson Medlin

2/23/04

Date

Claim Listing

1. (Cancelled)
2. (Cancelled)
3. (Cancelled)
4. (Cancelled)
5. (Cancelled)
6. (Cancelled)
7. (Cancelled)

8. (Currently Amended) A system for detecting and measuring an analyte in a biological fluid of a animal, comprising:

a harvesting device suitable for positioning on the surface of tissue of an animal to harvest biological fluid therefrom, and comprising an analyte sensor positioned to be contacted by the harvested biological fluid and which generates a measurement signal representative of the analyte;

at least one attribute sensor to measure an attribute associated with the operation of the harvesting device and which generates an attribute signal representative of the attribute ~~The system of claim 1~~, wherein the attribute sensor detects a condition of the tissue indicative of fluid productivity; and

a processor coupled to the attribute sensor and the analyte sensor to receive the attribute signal and the measurement signal, wherein the processor adjusts for an operational parameter of the harvesting device based on attribute signal, and wherein the processor generates a signal to control an amount of suction applied to the harvesting device based on the attribute signal.

9. (Cancelled)
10. (Cancelled)
11. (Cancelled)

12. (Currently Amended) A method for detecting and measuring an analyte in a biological fluid of a subject, comprising steps of:
harvesting biological fluid from the surface of tissue of an animal with a harvesting device;
contacting an analyte sensor with the biological fluid on the tissue surface;
detecting an analyte in the biological fluid with the analyte sensor;
sensing an attribute associated with the operation of the harvesting device ~~The method of claim 9,~~ wherein the step of sensing an attribute comprises sensing a condition of the issue indicative of fluid productivity; and
adjusting an operational parameter of the harvesting device based on attribute, and wherein the step of adjusting comprises adjusting a level of suction applied to the harvesting device for drawing fluid from the tissue into contact with analyte sensor.

13. (Currently Amended) A method for detecting and measuring an analyte in a biological fluid of a subject, comprising steps of:
harvesting biological fluid from the surface of tissue of an animal with a harvesting device, wherein the step of harvesting comprises continually harvesting biological fluid from the surface of tissue;
contacting an analyte sensor with the biological fluid on the tissue surface;
continually detecting an analyte in the biological fluid with the analyte sensor, wherein the step of detecting an analyte in a biological fluid of a subject comprises continually detecting the analyte;
sensing an attribute associated with the operation of the harvesting device, wherein the step of sensing an attribute comprises continually sensing an attribute proximate to the analyte sensor; and
adjusting an operational parameter of the harvesting device based on attribute, wherein the step of adjusting comprises continually adjusting an operational parameter of the device.

- 14. (Cancelled)
- 15. (Cancelled)
- 16. (Cancelled)
- 17. (Cancelled)